

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

May 10, 2011

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order. Present at the meeting were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and George Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Stockton opened the Public Comment portion of the meeting. No one came forward to address the Commission.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of the Board of Trustees of Illinois State University, d/b/a Shakespeare Festival located at the Ewing Cultural Center, 48 Sunset Rd., requesting a LB liquor license which would allow limited sales of beer and wine only by the glass for consumption on the premises seven (7) days a week for the performance season, (June 23, 2011 to August 14, 2011). Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and George Tompkins; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Dick Folse, Managing Director and Applicant representative.

Commissioner Stockton opened the liquor hearing. He noted that this would be the fourth year for the Shakespeare Festival to hold a LB liquor license. Dick Folse, Managing Director and Applicant representative, addressed the Commission. He acknowledged that this would be the fourth year for the Illinois State University to request a LB liquor license for the Shakespeare Festival. This application was the same as last year. Liquor sales represented a small percentage of the overall revenue. There were no incidents involving alcohol during last three years at the Festival. Festival staff received training for alcohol sales. The Festival is a family oriented event. The Festival was a successful event.

Mr. Folse noted that patrons have dinner on the grounds. The Festival offered a concession area. The theater offered 480 seats. He estimated that a quarter (25%) of the patrons purchased alcohol. He noted that the performance season was from June to August 2011.

Commissioner Stockton noted that the City had not received any complaints. He agreed that the Festival was well run. Hearing no planned changes, he encouraged the Applicant to keep up the fine work.

Commissioner Stockton questioned if there was anyone present to address the Commission. No one came forward to address the Commission.

Commissioner Tompkins, seconded by Commissioner Buchanan to recommend that a LB liquor license be created for the Board of Trustees of Illinois State University located at the Ewing Cultural Center, 48 Sunset Rd., for the 2011 Illinois Shakespeare Festival to be held from June 23 to August 14, 2011.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear before the City Council at their May 23, 2011 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged his attendance.

Commissioner Stockton extended best wishes for a successful season.

There being no further business the hearing recessed at 4:07 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Levi T. Sturgeon and Carl Olson to allow moderate consumption of alcohol at their June 23, 2012 civil union reception to be held at Miller Park Pavilion. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing on the request of Levi Sturgeon and Carl Olson. This item had been laid over by the Commission at their April 12, 2011 meeting. It was noted that neither Mr. Sturgeon nor Mr. Olson was present at the hearing.

A memorandum prepared by City staff, (John Kennedy, Director - Parks, Recreation & Cultural Arts, and David Hales, City Manager), had been presented to the Commission at the hearing. The memorandum addressed alcohol consumption at the Miller Park Pavilion. Commissioner Stockton read portions of the memorandum.

The Commission had expressed concerns regarding this request due to the event date, (June 23, 2012). The event would be held on a Saturday. Commissioner Stockton cited park attendance and activities. He added his concern regarding the mixture of activities. It was noted that City staff's memorandum affirmed the Commission's concerns. He recommended that the Commission support City staff's position.

Commissioner Buchanan recommended that this request be denied.

Commissioner Stockton opened the hearing for public input. No one came forward to address the Commission.

Commissioner Clapp expressed her belief that the City had applied for and been granted liquor licenses. Commissioner Stockton noted that Prairie Vista and the Den at Fox Creek Golf Courses have RBS, (Restaurant, Beer and wine only, Sunday sales) liquor licenses. He could not recall any issues at the golf courses involving liquor sales.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that this request be denied.

Motion carried.

There being no further business before the Commission, the meeting recessed at 4:14 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Lupita's Hispanic & American Grocery, Inc., d/b/a Lupita's Hispanic & American Grocery, located at 1512 W. Market St., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk, and Reynaldo Gonzalez, Applicant representative, and Tim Jefferson, Applicant's attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Tim Jefferson, 501 W. Church, Champaign, Applicant's attorney, addressed the Commission. Delfino Gonzalez, his client, was purchasing an existing business, La Bamba Grocery Store. The plan was to continue the existing operations. He noted his client's limited ability with the English language. Commissioner Stockton questioned if Mr. Jefferson planned to work with the Applicant/his client regarding a reading comprehension of the City's ordinance, (Chapter 6. Alcoholic Beverages). Mr. Jefferson described Mr. Gonzalez as an educated person who would have no problem operating the store.

Commissioner Buchanan had visited the facility. He described the store as clean and inviting. The store offered a wide variety of products. He described the alcohol selection as modest and well screened.

Commissioner Stockton noted that this application involved a change of ownership. He questioned if the Commission had any questions regarding the Applicant's qualification. Mr. Jefferson noted that Reynaldo Gonzalez, Applicant's brother, was present at the hearing. He recommended that this Application be laid over until the Commission's June 14, 2011 meeting.

Commissioner Stockton questioned if Mr. Gonzalez was able to provide information regarding his brother's experience with liquor sales. Mr. Gonzalez addressed the Commission. He currently operated a grocery store in Arcola. The plan was for him to assist his brother and combine their efforts in the grocery business. Lupita's would be a full service grocery store. Currently, his brother was operating a construction company in Texas.

Commissioner Clapp questioned if there were any outstanding issues regarding the sale of the business. Mr. Jefferson noted that Mr. Gonzalez was performing the business preparatory work. Mr. Gonzalez noted that he was learning the current business' operations. He did not believe that there were any issues.

Commissioner Clapp questioned if parking would be adequate. Mr. Gonzalez responded affirmatively.

Commissioner Petersen questioned the sale hours for alcohol. Mr. Gonzalez noted that the business hours would be from 9:00 a.m. until 9:00 p.m. He believed that liquor sales would be from noon until 9:00 p.m.

Commissioner Tompkins noted that the Applicant had not been a resident of the City for one (1) year. Mr. Jefferson noted that his client was renting an apartment in the City with plans to purchase a home. He has held a green card for over twenty (20) years.

Commissioner Tompkins questioned the financial information submitted. He specifically cited the value of motor vehicles as examples.

Commissioner Tompkins added that Mr. Gonzalez was not proficient in English. Mr. Jefferson acknowledged that his client would require assistance. Commissioner Tompkins stated that Mr. Gonzalez had no liquor sales experience. Lupita's would be open from 9:00 a.m. until 9:00 p.m. Liquor sales would be from noon until 9:00 p.m. Mr. Jefferson responded affirmatively.

Commissioner Buchanan questioned Mr. Gonzalez's role in this business. Mr. Gonzalez restated that he would assist his brother. He planned to work at the store until his brother was comfortable to act on his own. He noted his liquor sales experience. Commissioner Buchanan questioned Mr. Gonzalez's time commitment during the first six (6) months of the store's operations, i.e. percentage of time on site. Mr. Gonzalez stated that he planned to be here half days. His wife would operate their store in Arcola during this time.

Commissioner Petersen questioned staffing. Mr. Gonzalez noted that there would be five (5) employees and two (2) cashiers. Commissioner Petersen questioned if the Applicant had discussed the percentage of total sales from alcohol with the business' current owner. Mr. Gonzalez replied twenty to twenty-five percent (25%).

Commissioner Buchanan described the financial statement as meager. He expressed his concern with the Applicant's ability to do things right. He added his concern regarding revenue flow. The Applicant planned to purchase an existing business. He recommended that the Applicant review the current balance sheet. He addressed the issue of financial wherewithal. Mr. Gonzalez informed the Commission that he planned to provide assistance to his brother which included financial. Mr. Jefferson added that the current owner has offered an attractive price. The current owner has numerous business ventures.

Commissioner Stockton restated that this application involved an existing business and the Applicant was new to the grocery business and liquor sales.

Commissioner Tompkins was not comfortable with this application. The Applicant had no previous experience with liquor sales and was not proficient in English.

Commissioner Buchanan expressed his interest in the financial reports for the existing business. He wanted to verify the percentage of sales from alcohol and also how risky this business venture was. Mr. Jefferson informed the Commission that he had some financial information. He restated his request that this item be laid over until the Commission's June 14, 2011 meeting.

Commissioner Clapp noted that the Applicant was not present. The Commission should not use the Applicant's ability to speak English as a barrier. A Hispanic grocery store would be a welcome addition to the community.

Commissioner Buchanan stated his hope that he would be able to support this application.

Motion by Commissioner Clapp, seconded by Commissioner Buchanan that this item be laid over until the Commission's June 14, 2011 meeting.

Ayes: Commissioner Stockton, Buchanan, Clapp and Petersen.

Nay: Commissioner Tompkins.

Motion carried.

There being no further business before the Commission, the meeting recessed at 4:35 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of East Island, Inc., d/b/a Lucky Garden, located at 706 S. Eldorado Rd., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk, and Guang Yao Chen, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Guang Yao Chen, owner/operator and Applicant representative, addressed the Commission. He had purchased the business. He noted that liquor sales equaled ten to fifteen percent (10 - 15%) of total sales. Commissioner Stockton questioned if Mr. Chen had liquor service experience. Mr. Chen informed the Commission that he had six (6) years of experience in the restaurant industry. He planned to check identification for anyone who appeared to be under thirty (30) years of age.

Commissioner Stockton questioned if there had been any violations. Mr. Chen responded negatively.

Commissioner Buchanan questioned Mr. Chen's restaurant experience. Mr. Chen informed the Commission that he had been employed as a waiter in a Japanese restaurant.

Commissioner Petersen questioned the entity (applicant). Mr. Chen stated that he had applied as a corporation. Commissioner Petersen questioned the existing business. Mr. Chen noted that

currently Inchiban Chinese & Japanese Restaurant, Inc., d/b/a Lucky Garden Restaurant held an RAS liquor license.

Commissioner Petersen questioned if there would be entertainment. Mr. Chen addressed the banquet room.

Commissioner Clapp questioned the number of tables. Mr. Chen stated that there were twenty-five (25) tables and a bar area. Commissioner Clapp questioned occupancy. Mr. Chen believed the number would be 184. Commissioner Clapp questioned the party/banquet room occupancy. Mr. Chen replied fifty (50). Commissioner Clapp questioned the number of servers. Mr. Chen stated that there would be three (3) servers and three (3) chefs.

Commissioner Stockton questioned the floor plan. He noted that the party/banquet room was located behind the main bar. Mr. Chen provided an explanation of the floor plan. Bar #1 was for sushi and bar #2 was for liquor service.

Commissioner Petersen questioned if there would be any outdoor seating. Mr. Chen responded negatively.

Commissioner Tompkins questioned Mr. Chen's residency and status. Mr. Chen informed the Commission that he had resided in the community for the past two (2) months. He also was a green card holder.

Commissioner Tompkins noted the total net worth listed on the financial documents. He questioned if there were other investors. He also questioned the number and the age of the servers. Mr. Chen restated that the servers would be over twenty-one (21) years of age.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

Commissioner Petersen questioned the percentage of sales from alcohol. Mr. Chen restated ten to fifteen percent (10 - 15%).

Commissioner Tompkins questioned if Mr. Chen was familiar with the state liquor laws and the City's Alcoholic Beverage code. Mr. Chen responded affirmatively.

Commissioner Petersen questioned staff training. He cited various programs which were available, BASSETT, (Beverage Alcohol Sellers & Servers Education & Training), and STEPS, (Safety Training to Encourage Profitable Services). Commissioner Stockton encouraged liquor service training. Information regarding STEPS training could be obtained through the City Clerk's Office.

Motion by Commissioner Clapp, seconded by Commissioner Petersen that the application of East Land, Inc., d/b/a Lucky Garden located at 706 S. Eldorado Rd., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the June 13, 2011 City Council Consent Agenda. He encouraged him to attend this meeting.

Commissioner Stockton wished Mr. Chen well.

There being no further business before the Commission, the meeting recessed at 4:52 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Kobe Hibachi Steakhouse, Inc., d/b/a Kobe Hibachi Steakhouse & Sushi, located at 401 N. Veterans Pkwy., Suite 7 & 8, requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk, and Qin Chen, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. He noted that this application involved a change of ownership. Qin Chen, owner/operator and Applicant representative, addressed the Commission. He added that the other investor resided in New York. Commissioner Stockton stated that this individual would not be an active partner. He questioned Mr. Chen's restaurant and liquor sales experience. Mr. Chen came to the United States as a student. He had been employed as a server and management assistant in the states of Rhode Island and Florida. Commissioner Stockton noted that Mr. Chen had been employed as a management assistant. He had been employed as a server in Rhode Island and as a chef in Florida. He questioned if there had been any issues with liquor sales. Mr. Chen responded negatively. His liquor experience was limited to his employment as a management assistant and server. When employed as a chef, he had no liquor sales' responsibilities. There had not been a violation. Identification was checked.

Commissioner Tompkins questioned Mr. Chen's local address. He noted that the Emergency Contact sheet did not list a local address. Mr. Chen had rented an apartment near the restaurant, (20 Revolutionary Square, Units 4 & 8). He had rented the apartment in January 2011. Due to the proximity, he generally walked to work. He still had a Florida driver's license. He planned to move his wife and child to the community after the baby was born. He had never held a liquor license. His wife had been employed as a bartender.

Commissioner Stockton questioned if Kobe was a chain restaurant, i.e. a franchise store. Mr. Chen responded negatively. Kobe was independently owned and operated. Commissioner Stockton questioned any planned changes. Mr. Chen noted initially there were no planned changes. His first goal was to improve server skills. He cited comments found on the Internet.

Commissioner Petersen described this restaurant as a large venture. He questioned financing. Mr. Chen responded affirmatively.

Commissioner Buchanan expressed his interest in obtaining an understanding of this application. He questioned if Mr. Chen would function in the role of an on site manager. Mr. Chen responded affirmatively. He informed the Commission that he was currently working at the restaurant now. He restated that his wife and child were still in Florida.

Commissioner Buchanan questioned the length of the exploratory stage. Mr. Chen noted that the process began at the end of March 2011.

Commissioner Buchanan questioned the work tasks performed by Mr. Chen. Mr. Chen responded he would act as manager and chef. Commissioner Buchanan questioned what roles Mr. Chen would fill if the liquor license were created. Mr. Chen noted the following roles: 1.) manager; 2.) chef; and 3.) server. Commissioner Buchanan questioned hours worked per week. Mr. Chen noted that he worked full time. He planned to hire a restaurant manager. He could not operate the business under the current ownership. Mr. Chen restated that he would act as chef. Staff would be expected to fulfill multiple roles.

Commissioner Petersen expressed his interest in Mr. Chen's partner.

Commissioner Buchanan expressed his concerns regarding this application. He specifically cited financial resources and defined partners. Mr. Chen restated that the silent partner resided in New York. Commissioner Stockton noted that this individual was a financial investor. The Commission had expressed an interest in additional information about this individual.

Commissioner Tompkins expressed his concern regarding this application. He questioned supervision of alcohol sales. Mr. Chen informed the Commission that he had hired an individual who had relocated to the community from Florida.

Commissioner Clapp questioned laying this item over until the Commission's June 14, 2011 meeting. Mr. Chen noted that the current owner was eager to sell the business. There was an agreed upon lease. He expressed his concern regarding increased costs.

Commissioner Buchanan questioned if Mr. Chen had legal counsel. Mr. Chen responded affirmatively. However, the individual resided in New York. Commissioner Buchanan believed that Mr. Chen would benefit from same. Commissioner Buchanan added his interest in additional background information regarding the Applicant's business intentions.

Commissioner Stockton noted that there was not a motion on the floor. He recommended that the Commission give the Applicant time to obtain information. Commissioner Clapp questioned what information specifically was needed.

Commissioner Tompkins addressed restaurant management and alcohol service. Commissioner Clapp noted that the restaurant staff would act as jacks of all trades in order to manage costs. Mr. Chen restated that he would work the front of house and be present during business hours.

Commissioner Buchanan noted that Mr. Chen had referenced a gentleman from Florida who would be hired to manage the restaurant full time. Mr. Chen noted that Ryan Martin had been

hired and was currently working at the restaurant. He added that two (2) apartments had been rented one for himself and one for the restaurant's employees.

Commissioner Stockton questioned what documentation was needed. Mr. Chen had provided a local address and telephone number. He noted that a lease assignment had been filed with the Application. He directed the City Clerk to pull the existing lease from Kobe's file as Mr. Chen would be assuming the existing lease.

Commissioner Clapp noted that Mr. Chen was waiting for a liquor license in order to start a new business.

Commissioner Buchanan questioned the corporate officers. Mr. Chen was the president. He had rented an apartment in the City but his wife and child were still in Florida.

Commissioner Stockton recommended that the Commission move forward with the provision that all documentation be presented.

George Boyle, Asst. Corporation Counsel, noted that City ordinance had a residency requirement, (Section 4. Disqualification for License (b) A person not a resident of McLean County). Commissioner Stockton stated that the Commission could require that Mr. Chen provide a local address. Mr. Boyle added that the individual who resided here in the community must be also be the responsible person. Commissioner Stockton noted that Mr. Chen's residence was local. Mr. Martin had recently moved to the community and was employed at the restaurant.

Commissioner Petersen questioned Mr. Chen's working knowledge of City ordinance and state laws regarding liquor. He addressed the STEPS, (Safety Training to Encourage Profitable Services), program.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of Kobe Hibachi Steakhouse, Inc., d/b/a Kobe Hibachi Steakhouse & Sushi located at 401 N. Veterans Pkwy., Suite 7 & 8, requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved with the following condition: 1.) that Mr. Chen provide contact information for himself and Mr. Martin, (local address and telephone number), and any other information that the Commission believes is needed prior to the Council's June 13, 2011 meeting.

Ayes: Commissioner Stockton, Buchanan, Clapp, and Petersen.

Nay: Commissioner Tompkins.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the June 13, 2011 City Council Consent Agenda. He encouraged him to attend this meeting.

Mr. Chen informed the Commission that the baby's due date was May 20, 2011. This would be his first child.

Commissioner Clapp informed Mr. Chen that in order to gain an affirmative vote by the Council the information must be provided.

Commissioner Stockton encouraged Mr. Chen to meet with Tracey Covert, City Clerk. Ms. Covert would explain the options. At this time, the current owner operated the restaurant and handled all liquor sales. The Council would make the final decision.

There being no further business before the Commission, the meeting recessed at 5:34 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of DazLou, LLC (pending), d/b/a Sidetracked Sports Bar, located at 907 E. Oakland, requesting a TAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk and LouAnn and Steve Devine, owners/operators and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants explain this request. He specifically addressed the Applicants' interest in this location and their plans for the property. Steve Devine, owner/operator and Applicant representative, addressed the Commission. He had managed the former Slick Rick's for three (3) years. He and his wife had saved money in order to reopen the property as a neighborhood bar. The building would be remodeled. There would also be a packaged liquor store. (Slick Rick's also operated a packaged liquor store at this address.) Long term plans included installation of a small kitchen for a limited menu, (burgers and French fries). It would not be a full service kitchen.

Commissioner Stockton questioned if the Applicants saw this business as a good investment. He questioned risk. Mr. Devine expressed his belief that the business would be successful. He planned to attract a different clientele. The building would be remodeled. He cited new flooring, new interior soundproofed walls, and a new bar as examples. He acknowledged that there had been issues between Slick Rick's and the neighborhood.

Commissioner Stockton questioned if the Applicants had met with the neighbors. Mr. Devine inform the Commission that the neighbors had presented him with a list. A copy of the document was provided to the Commission. Items listed addressed traffic, parking, property maintenance, and disturbing the peace. Mr. Devine informed the Commission that he understood the neighbors' concerns.

Commissioner Buchanan questioned the percentage of liquor sales from packaged store. Mr. Devine estimated this figure at forty percent (40%). The packaged liquor store (Slick Rick's) had performed well. Commissioner Buchanan questioned Mr. Devine's experience with packaged liquor sales. Mr. Devine informed the Commission that he had over forty (40) years of experience in liquor sales. Commissioner Buchanan questioned if the clientele at the tavern and the packaged liquor store was the same. Mr. Devine responded negatively.

Commissioner Stockton reviewed the neighbors' list. Mr. Devine informed the Commission that would act as the Night Manager. He would not be catering to the biker crowd. He acknowledged that there had been drug dealers who were Slick Rick's customers. He would not tolerate these individuals as customers. A manager would be present at all times. Slick Rick's was operated by an absentee owner who tolerated any behavior.

Commissioner Stockton opened the hearing to public input.

Melissa Stuedemann, 910 E. Oakland St., addressed the Commission. Her residence was across the street. She was speaking on behalf of her husband and herself. They were interested in what was best for the City and the neighborhood. She requested reasonable accommodations as the business would be located in a residential area. She expressed concern regarding the bass portion of music as she was sensitive to same.

Marie Winqest, 608 S. Clinton, addressed the Commission. She had resided at this residence for thirty-seven (37) years. Her yard back up to the property's parking lot. She acknowledged that this application represented a change of ownership. She believed that the property needed to be brought up to code prior to opening. She also addressed the neighbors' list. She stressed the importance of property maintenance. She also addressed traffic. She noted that the alley was used as a thoroughfare. There was a means of access and egress to this property on Oakland Ave. She requested that a tree be removed as it blocked the street light. She cited noise from live music, (bands). In addition, she noted the number of calls to the Police Department. She requested that a fence be installed surrounding the parking area. She added that customers parked along both sides of MacArthur St. She expressed concern regarding emergency vehicle access.

Commissioner Stockton questioned if there was inadequate parking on site. Ms. Winqest expressed her concern that the alley was used as a back exit. She cited a number of incidents involving vehicles and property damage. She requested that customer traffic be directed to Oakland Ave. Commissioner Stockton presented another option such as a barrier. He questioned parking on MacArthur. Ms. Winqest noted the traffic, the potential for individuals to be driving under the influence, and the confined space.

Commissioner Tompkins questioned if Ms. Winqest was in support of this application with conditions or in opposition to the application. Ms. Winqest expressed her concerns regarding the former business, (Slick Rick's). She re-addressed property maintenance. She presented the Commission with photographs of the property.

Commissioner Buchanan also questioned if Ms. Winqest was opposed to this application or in favor of with appropriate conditions. Ms. Winqest stated that a number of things would have to change. She again addressed property maintenance.

Mary Wilson, 809 E. MacArthur, addressed the Commission. Her home was located south of the property's parking lot. Her concern addressed on street parking. She requested that the parking lot be enclosed. Commissioner Stockton questioned if Ms. Wilson wanted the parking lot to be blocked from vehicular and pedestrian traffic. Ms. Wilson responded affirmatively. The property owner needed to take care of this property. Nothing has been done with the property since Slick Rick's closed. Commissioner Stockton noted that the City had a Code Enforcement Division. He directed Tracey Covert, City Clerk, to contact Mark Huber, Director - PACE. Staff would be directed to visit the property and address any violations.

Ms. Wilson questioned live music. She requested that hours be set for same. She wanted an established time frame. Commissioner Stockton noted that the City has placed limits on live music. He cited Gill St. Sports Bar & Restaurant, located at 3002 B Gill St., as an example. There were a variety of options available. He cited hours, volume, etc. as examples. He acknowledged that conditions might be necessary.

The Commission reviewed the photographs submitted by Marie Winqest. They expressed concern.

Rick Koppersmith, K & K Tool & Die, 915 E. Oakland Ave., addressed the Commission. He owned and operated this business. He noted that there was a retaining wall between the two (2) properties. Various vehicles have hit and damaged same. He had obtained a permit to repair it and approached Tim Jones, the property owner for 907 E. Oakland. He cited the repair costs. This issue needed to be addressed as the cost kept increasing. He expressed his opposition to a beer garden. He noted that there was a table outside where bar patrons would smoke and drink. He added that smoking was allowed inside Slick Rick's. He noted litter and property damage. He cited broken windows as an example. Noise during his business hours was also of concern. He had witnessed drug sales. He had never complained. Things needed to change. He added his belief that conditions had been placed on the Western Tap's liquor license, (located at 1301 N. Western Ave.).

Commissioner Stockton questioned the last time Mr. Koppersmith's property had been damaged. Mr. Koppersmith responded five to six (5 - 6) years ago.

Brandon Koppersmith, K & K Tool & Die, 915 E. Oakland Ave., addressed the Commission. He was Rick Koppersmith's son and employed at the tool & die shop. He addressed litter. He was opposed to a beer garden. He requested that a fence be installed. He added that the clientele needed to change. He cited prostitution as an example. He also addressed property damage. The fence had been damage one to two (1 - 2) years ago. He expressed his belief that driving under the influence was the cause.

William Stark, 807 E. MacArthur, addressed the Commission. His home was located south of the business and was also the closet to it. He was speaking on behalf of five (5) homes, (four on

MacArthur and one on Bunn St.). He hoped to put all in perspective. The neighbors' list had been presented to Mr. Devine. He had known Mr. Devine for a number of years. Various situations could be addressed through the installation of a fence. Many of the neighbors were aware of what was going on at Slick Rick's. He expressed his hope that the past would remain in the past. Parking was an issue. Slick Rick's customers used MacArthur to avoid traveling on Oakland Ave. There was adequate access to Oakland. Bands tended to draw a crowd. Soundproofing the walls would not be inexpensive. He did not have any issues with the Devines application. Mr. Devine was respectful and a man of his word. The neighbors would hold Mr. Devine to his word and the list. He added that when Slick Rick's was open, he always called the business before contacting the Police Department. He requested that Mr. Devine do right by the neighborhood.

Wendy Keller, 811 E. MacArthur, addressed the Commission. Her home was located by Mr. Stark. She was interested in sample conditions. She had found individuals sleeping in her yard. She also cited public urination. She requested that a fence be installed.

Dan Stuedemann, 910 E. Oakland Ave., addressed the Commission. His wife had addressed the Commission and read from a prepared statement. They were taxpayers. He cited fear of retribution. The owner was responsible for the patrons' behavior. He questioned if conditions could address same. He also addressed the issue of consumption. Commissioner Stockton noted that this issue has been raised previously. Individuals can contact the City, (Commission, Council, and/or Police Department). This can be done anonymously. He restated that conditions can be placed on the liquor license.

Heather Winquest, 1004 E. Jefferson, addressed the Commission. She was Marie Winquest's daughter. As a child, she had been exposed to a number of things. She became conditioned to sleep through noise. There were children in this neighborhood. She celebrated when Slick Rick's closed. She expressed her concern regarding clientele. She had managed homeless shelters and found this property's condition shameful. If conditions were placed on the liquor license, one should address property maintenance. This was a strong neighborhood that wanted better things.

Richard Keer, 808 E. Bell St., addressed the Commission. He was the pastor at Grace United Methodist Church located at 622 S. Clinton. He was a former Peoria Police Officer. He stated that prostitutes had used the church parking lot for business purposes. The influence upon the neighborhood's youth was not positive. He questioned the number of arrests by the City's Police Department regarding drug deals. Music had continued past closing hours. Slick Rick's customers saw the church's parking lot as an extension of the tavern's customer parking. He expressed his opposition to a liquor license at this location. This was a family neighborhood with small children.

Commissioner Stockton questioned the distance between these two (2) properties. He expressed his belief that there was at least two (2) City blocks separating same.

Commissioner Stockton noted the amount of public input. He offered the Applicants the opportunity to re-address the Commission.

The Applicants noted that the property had been vacant for six to seven (6 - 7) months. Commissioner Stockton noted the property issues. There were a lot of issues to address. He questioned if the Devines were prepared for this size of investment. Mr. Devine stated that there were no issues with the neighbors' list. He believed that a fence could be installed. He added that the City should consider only allowing parking on one side of MacArthur as the street was too narrow when vehicles parked on both sides of the street.

Commissioner Stockton recommended that this item be laid over until the Commission's June 14, 2011 meeting. Mr. Devine expressed his preference that the application be voted on this date. He added that Tim Jones, property owner, would have to be informed of the Commission's recommendation.

Commissioner Stockton noted the neighborhood's willingness to compromise. He believed that specific goals needed to be set with a means to measure what was accomplished. The Applicants needed to develop a specific plan.

Commissioner Buchanan noted his service on the Commission. He complimented those present and noted the positive input received. He recommended that this hearing be recess to a specific date. He did not believe that the Commission was ready to commit to anything at this time.

Commissioner Stockton directed the Devines to review the list, work with the neighbors and submit a plan to the Commission. He acknowledged the combination of circumstances.

Commissioner Tompkins noted his hesitancy to support this application. He recommended that the application be laid over until the Commission's June 14, 2011 meeting. The property needed extensive renovation. There were a number of issues to address. The Applicants would have to follow through and he questioned who would review their progress.

Commissioner Petersen had listened to the plan. However, he wanted to see a written plan. This would strengthen the Devine's application. He described the property as blighted.

Mr. Devine informed the Commission that he had obtained access to a forty-five (45) space parking lot located across the street from 907 E. Oakland Ave.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that this hearing be recessed until Tuesday, May 24, 2011 at 4:00 p.m.

Motion carried.

There being no further business before the Commission, the meeting recessed at 6:41 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Tailwind BMI, LLC d/b/a Tailwind Deli News & Gifts, located at 3201 CIRA Dr., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and

Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk, Jess Backhaus, Tailwind BMI, LLC 's Operations Manager and Applicant representative, and Richard Marvel, Applicant's attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. He noted that this would be the third hearing for a liquor license by this Applicant. Richard Marvel, Applicant's attorney, addressed the Commission. He informed the Commission that Tailwind BMI, LLC planned to purchase the Hangar restaurant. He requested that the Commission consider its February 8, 2011 minutes. He offered to answer the Commission's questions. He added that Jess Backhaus, Tailwind's Operations Manager; Bill Mueller, attorney for Hubbard and Davis, Inc. d/b/a the Hangar; and Carl Olson, Bloomington-Normal Airport Authority's (BNAA) Executive Director, were present at the hearing.

Commissioner Stockton noted that there was consensus by the Commission to include the Commission's February 8, 2011 minutes.

Mr. Marvel noted that Tailwind planned to purchase the Hangar. This action addressed the concern raised by the Council that one (1) liquor license be granted for both the air and land sides of the airport. The premises would remain the same. The Hangar had been held by a corporation, Hubbard and Davis, Inc. Tailwind would purchase the company's assets. Tailwind would be granted the right to provide concessions at the airport.

Commissioner Stockton noted that the Hangar's lease would have expired in a year. He noted that a new license would be required. He questioned if business names had been established.

Jess Backhaus, Tailwind's Operations Manager, addressed the Council. The former Hangar area would be remodeled. Tailwind has a business model. The bar/bistro on the air side was a new concept.

Commissioner Buchanan questioned the impact upon Tailwind's existing facility. Mr. Backhaus noted that the area formerly know as the Hangar would offer a different concept. There would be separate menus.

Commissioner Stockton questioned business hours. Mr. Backhaus noted that the business hours would be the same for the air and land sides. Facilities would be open at 5:00 a.m. for coffee and breakfast.

Commissioner Stockton noted that there would only be a single liquor license at the airport. He noted the existing premise (air side) and the area currently know as the Hangar (land side). Mr. Backhaus responded affirmatively. There would not be liquor sales in the gift shop. The airport vendor name would be Tailwind Deli News & Gifts.

Commissioner Petersen question if there would any conditions placed upon the Hangar license. Tracey Covert, City Clerk, responded negatively.

Bill Mueller, 202 N. Center St., attorney for Hubbard and Davis, Inc., d/b/a the Hangar, addressed the Commission. He offered to answer the Commission's questions. This would be an asset sale. The sale was contingent upon Tailwind being granted a liquor license. The existing lease would be canceled. There was not an assignment. Tailwind would lease both premises under a new lease agreement. Tailwind was purchasing the fixtures, furniture and equipment.

Commissioner Stockton questioned if Mr. Mueller's client was in favor of the proposed sale. Mr. Mueller informed the Commission that Tailwind had filed a case/appeal with the state's Liquor Control Commission. If approved by the Council, this case would be withdrawn.

Commissioner Tompkins questioned if Mr. Mueller's client supported the granting of this liquor license. Mr. Mueller responded affirmatively.

Carl Olson, BNAA Executive Director, addressed the Commission. He offered to answer the Commission's questions. He informed the Commission that there were a number of items to be addressed by the BNAA at its May 17, 2011 meeting. He cited the following: 1.) assign operating rights to Tailwind BMI, LLC and release Hubbard and Davis, Inc.; 2.) request for lease amendment by Tailwind BMI, LLC for a prescreening, (land side) restaurant and bar; and 3.) design standards, finishes and remodel of the space currently know as the Hangar. He added his belief that Tailwind would be successful with a liquor license on both the land and air sides at the airport. Upon the BNAA's approval of these items, the sale would be completed between the parties.

Mr. Olson informed the Commission that the BNAA's approval of these items was contingent upon Tailwind's ability to obtain a liquor license. He offered to provide documentation of the BNAA's vote. He acknowledged upon that upon an affirmative vote Tailwind's lease would be amended.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Tailwind BMI, LLC, d/b/a Tailwind Deli News & Gifts located at 3201 CIRA Dr., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved with the following condition: 1.) that the BNAA approve a new lease agreement with the Applicant.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the June 13, 2011 City Council Consent Agenda. He encouraged those present to attend this meeting.

There being no further business before the Commission, the meeting recessed at 7:12 p.m.

Commissioner Tompkins addressed the Commission's April 12, 2011 Meeting Minutes. He noted that his name had been misspelled, (see page 5). In addition, he requested that the verbage regarding the Sturgeon/Olson request be amended from "questioned the reason for this request" to "questioned the request being made so far in advance", (see page 2, paragraph 5).

Commissioner Stockton noted that there was unfinished business before the Commission. He believed that the Commission should scheduled another Work Session. He had commenced work on a spreadsheet. This document would address the issues of fees, penalties, and “A”, All types of alcohol, licenses in residential neighborhoods.

There being no further business before the Commission, the meeting adjourned at 7:15 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk